

# SENATE RECORD VOTE ANALYSIS

104th Congress  
1st Session

Vote No. 595

December 7, 1995, 9:55 p.m.  
Page S-18227 Temp. Record

## PARTIAL-BIRTH ABORTIONS/Sense-of-Senate Substitute

**SUBJECT:** Partial Birth Abortion Ban Act of 1995 . . . H.R. 1833. Feinstein/Simpson substitute amendment No. 3092.

### ACTION: AMENDMENT REJECTED, 44-53

**SYNOPSIS:** As introduced, H.R. 1833, the Partial-Birth Abortion Ban Act of 1995, will prohibit partial-birth abortions.

An affirmative defense will be provided if the physician reasonably believes a partial-birth abortion is necessary to save the life of the mother and no other procedure will suffice for that purpose. The term "partial-birth abortion" will be defined as an abortion "in which the person performing the abortion partially vaginally delivers the living fetus before killing the fetus and completing the delivery."

**The Feinstein/Simpson substitute amendment** would express the sense of the Senate that "Congress should not criminalize a specific medical procedure."

**Those favoring** the amendment contended:

When physicians make a decision to use a particular treatment, they very thoroughly evaluate a number of factors: evidence from scientific journals; the risks and benefits for the patient; the safety of the treatment; and the patient's preferences. Their decisions are often very complicated, representing a systematic strategy developed from multiple decisional building blocks. Medical decisionmaking is not simple and is not the type of decisionmaking which Congress has any business exercising. Every case is unique. Every human body is different. For Congress to pass a blanket prohibition of a medical procedure will be doubly disastrous, because Congress is incompetent to make medical judgments and because demanding a uniform practice in medicine when each case is unique is by definition dangerous.

Congress has never before banned a medical procedure. Instead, it has relied on the medical community to police itself, which it has done with advisory guidelines. These guidelines have resulted in quality medical care. Doctors have used these guidelines to make decisions based on medical need rather than politics. Congress should not change from this long-standing policy on this

(See other side)

YEAS (44)			NAYS (53)			NOT VOTING (2)	
Republicans (8 or 15%)	Democrats (36 or 80%)		Republicans (44 or 85%)	Democrats (9 or 20%)		Republicans (1)	Democrats (1)
Campbell	Akaka	Kerrey	Abraham	Hatfield	Biden	Shelby- <sup>2</sup>	Moynihan- <sup>2</sup>
Chafee	Baucus	Kerry	Ashcroft	Helms	Breaux		
Cohen	Bingaman	Kohl	Bennett	Hutchison	Conrad		
Jeffords	Boxer	Lautenberg	Bond	Inhofe	Dorgan		
Kassebaum	Bradley	Leahy	Brown	Kempthorne	Exon		
Simpson	Bryan	Levin	Burns	Kyl	Ford		
Snowe	Bumpers	Lieberman	Coats	Lott	Heflin		
Specter	Byrd	Mikulski	Cochran	Lugar	Johnston		
	Daschle	Moseley-Braun	Coverdell	Mack	Reid		
	Dodd	Murray	Craig	McCain			
	Feingold	Nunn	D'Amato	McConnell			
	Feinstein	Pell	DeWine	Murkowski			
	Glenn	Pryor	Dole	Nickles			
	Graham	Robb	Domenici	Pressler			
	Harkin	Rockefeller	Faircloth	Roth			
	Hollings	Sarbanes	Frist	Santorum			
	Inouye	Simon	Gorton	Smith			
	Kennedy	Wellstone	Gramm	Stevens			
			Grams	Thomas			
			Grassley	Thompson			
			Gregg	Thurmond			
			Hatch	Warner			

#### EXPLANATION OF ABSENCE:

1—Official Business  
2—Necessarily Absent  
3—Illness  
4—Other

#### SYMBOLS:

AY—Announced Yea  
AN—Announced Nay  
PY—Paired Yea  
PN—Paired Nay

important area of women's health.

The very wording of this bill illustrates the dangers that it will pose to women's health. The procedure that it will outlaw, "partial-birth abortions," is not even a procedure that appears in medical textbooks. Further, as described in the bill, it does not even specifically outlaw the practice as it has been described by bill proponents. The bill does not talk about scissors cutting open heads, or about the suctioning of cranial contents. The vague wording of the bill may make doctors leery of performing other types of late-term abortions for fear of being found guilty of violating this Act.

In 1973 the Supreme Court set the constitutional limits that may be placed on late-term abortions. Forty-one States have set limits on late-term abortions. This framework has worked for the past two decades. We urge our colleagues to vote in favor of keeping this system that has worked well by voting in favor of the Feinstein amendment.

**Those opposing** the amendment contended:

The Boxer amendment which the Senate just defeated was the back-door attempt to make this bill meaningless. The Feinstein amendment would attempt no subterfuge--it would strike the entire language of the bill and would insert sense of the Senate language stating that Congress should not criminalize a specific medical procedure. In other words, this amendment would put the Senate on record as being against any restrictions at all on this brutal, evil procedure. If Senators think that it should be legal, through all nine months of a pregnancy, to drag a baby feet first through the birth canal and nearly entirely out of his or her mother, leaving only the head of that baby still inside the mother, so that the abortionist may then cut the back of that living baby's head open with scissors and suction out his or her brains, then they should vote for this amendment. If they have no problems with allowing such "abortions" where the baby's head is forcibly held within the mother because if the head came out that baby would have full constitutional protection or if they have no problem with that baby's life being taken without anesthetic for any reason, perhaps because the mother decided she did not want a girl baby or a baby with brown eyes, then they should favor the Feinstein amendment. If, however, they are shocked and horrified that partial-birth abortions are currently legal in America they will join us in rejecting this amendment.